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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,904	03/09/2004	David S. Labuda	LIQUP001	1638
21912	7590	10/03/2005	EXAMINER	
VAN PELT, YI & JAMES LLP 10050 N. FOOTHILL BLVD #200 CUPERTINO, CA 95014			PATEL, RAMESH B	
			ART UNIT	PAPER NUMBER

2121

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,904

Applicant(s)

LABUDA, DAVID S.

Examiner

Ramesh B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/24/2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. Claims 1-48 are presented for examination.
2. The claims and only the claims form the metes and bounds of the invention.
“Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)” (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 6/24/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

4. Claims 44 and 45 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 44 and 45 are duplicate claims, which depends on same independent claim 1. Applicant is requested to make appropriate correction as required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Kou et al. (US Patent 6,907,301).

As to claims 1 and 48, Kou teaches the invention including a method and a network for controlling a plurality of devices in a building including: detecting a first network event at a first device and updating a network state on the first device based on the first network event is taught as a method and system for selecting

and controlling target devices on a digital home network (see, abstract and figures 3-4B and col. 7, line 53 to col. 8, line 11); determining at the first device an action based on the network state and transmitting a second network event to the devices (see, abstract and col. 4, line 57 to col. 5, line 14 and col. 10, lines 3-43).

As to claims 2-3, Kou teaches the method wherein transmitting includes using a reliable protocol to transmit a second network event to the devices (see, abstract and figure 2 and col. 7, lines 9-51).

As to claims 4-5, Kou teaches the method wherein the network state on the first device is a filtered network state and performing the action at the first device (figures 3-5 and col. 4, line 57 to col. 5, line 14).

As to claims 6-7, Kou teaches the method further including transmitting the first network event to the devices before detecting (abstract and col. 7, lines 29-51).

As to claims 8-9, Kou teaches the method wherein the second network event is associated with the action and wherein the action determined at the first device is to stand by (abstract and col. 4, lines 15-44).

As to claims 10-14, Kou teaches the method further including: performing the action at the first device and determining whether or not the action was successful and

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performing error correction if the action was unsuccessful (see, abstract and figures 3–5 and col. 10, lines 3-43).

As to claims 15-18 Kou teaches the method wherein the network state includes a device state and configuring the first device before detecting including downloading an executable to the first device from a central processor (see, abstract and col. 6, lines 45-64 and col. 10, lines 3-51).

As to claims 19-23, Kou teaches the method further including monitoring the network state based on first network event and receiving the second network event at a second device wherein the second network event is transmitted in an event-specific format on the first device (see, abstract and figures 3–5 and col. 4, line 63 to col. 5, line 14 and col. 6, lines 33-44).

As to claims 24-28, Kou teaches the method wherein the first device includes a generic controller that controls one or more devices and controls over a IR connection, a serial connection (see, figures 2–5 and col. 7, lines 9-45).

As to claims 29-33, Kou teaches the method wherein a network associated with the first network event is in a star, bus or ring topology, a home or an office network, or a local area network based on an IEEE 802.11 standard and the first device is a

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wireless device (see, abstract and figures 2–5 and col. 7, lines 9-45 and col. 10, lines 3-43).

As to claims 34-43, Kou teaches the method wherein the first device controls a lighting device, a projector, a screen, a video player etc., and the network events includes various modes of the operation of the first device (see, abstract and figures 2–5 and col. 1, lines 19-52 and col. 7, lines 9-51 and col. 10, lines 3-43).

As to claims 44-47, Kou teaches the method wherein the first network event is time based, event driven and sequentially defined relative to the second network event (see, figures 3-5 and col. 7, lines 9-45 and col. 10, lines 3-43).


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramesh B. Patel whose telephone number is 571-272-3688. The examiner can normally be reached on M-Th; 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571-272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ramesh B. Patel
Primary Examiner 9/28/05
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